REMARKS

In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance of the present application. At the time of the outstanding Office Action, October 1, 2008, claims 40-69 were pending. By this Response, claims 70 and 71 are newly added. No new matter has been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

35 U.S.C. § 102 Claim Rejections

Claims 68 and 69 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,013,267 to Huart et al. (Huart). Because the cited art does not disclose all of the limitations of the instant claims, Applicants traverse.

Huart does not disclose *dividing a received packet into a plurality of packets*. Huart merely discusses a source, 12, generating a packet containing voice samples and a voice parameter, (Col. 7, lines 31-34.) and a destination, 14, receiving and storing the voice samples and parameters. (Col. 8, lines 10-18.) Huart makes no mention of destination 14 dividing a packet received from source 12 into a plurality of packets, much less dividing a packet from source 12 into a plurality of RTP packets. Consequently, Huart does not disclose a packet division unit configured to divide each of a plurality of received packets into a corresponding plurality of real-time communication packets, nor disclose the method of receiving a plurality of packets and dividing each of the plurality of packets into a corresponding plurality of real-time communication packets.

Additionally, Applicants submit that Applicants' arguments submitted on September 8, 2008 regarding the instant rejection have not been addressed. Applicants hereby reassert said arguments and requests the arguments be addressed or the rejection withdrawn. The instant claims provide a receiving system capable of allowing for the recognition of the meaning of speech irrespective of packet loss due to deterioration or other causes in the communication path environment. (Page 3, lines 20-27.) Thus for at least the foregoing reasons, the instant claims define over the cited art. Accordingly, Applicants respectfully request withdrawal of the instant rejection.

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35 U.S.C. § 103(a) Rejections

Claims 40-47, 49-55 and 57-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huart in view of U.S. Patent No. 6,480,827 to McDonald (McDonald) and further in view of U.S. Patent No. 6,055,495 to Tucker *et al.* (Tucker). Claims 48 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huart in view of McDonald and Tucker as applied to claims 40 and 54 and in further view of U.S. Patent No. 6,775,652 to Cox *et al.* (Cox). Because the cited art does not teach or suggest all of the claim limitations and because there is no motivation to combine Huart and McDonald, Applicants traverse.

The cited art does not teach or suggest a packet combine unit configured to combine every packet generated based on voice data that includes portions of the voice data of a clause unit into a single packet. The Office Action cites to Huart, col. 3, lines 8-14, col. 7, lines 31-34 and Fig. 1 as teaching the limitation. However, Huart merely discusses a source that generates packet containing multiple voice samples, a voice parameter or both. (Col. 3, line 57 – col. 4 line 16.) Huart makes no mention of combining a plurality of the generated packets into a single packet, much less combing every packet that includes a portion of a clause unit into a single packet. Indeed, given that, as the Office Action admits, Huart does not disclose a voice recognizer unit configured to divide voice data into clause units, (Office Action page 11, lines 7-13.) then Huart also does not and cannot teach or suggest for each clause unit, combining every packet that includes portions of the voice data for the clause unit into a single packet.

In order to cure the admitted deficiency of Huart, the Office Action cites the speech post processor, 62, of McDonald. (Office Action page 12, line 16 – page 13 line 1.) However, since the voice parameter of Huart and the speech post processor of McDonald are both provided as solutions to the same issue, a person of ordinary skill, would not be motivated to combine the references. Huart plainly states, "…the present invention reconstructs voice information resulting from packet loss using a voice parameter communicated from a source." (Col. 1, lines 33-36.) While McDonald plainly states:

> This invention is a method and apparatus for voice communication in
> which the receiver of the system includes a novel language-dependent speech
> post-processor which seeks to correct for many of the speech distortions

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caused by channel errors.

What this invention seeks to do is to perform a post processing of speech information that was digitally transmitted and might have been corrupted due to channel impairments.(Col. 1, lines 39-48.)

Thus, since Huart already employs a voice parameter communicated from a source to reconstruct voice information lost in the channel, the addition of the speech post processor as taught by McDonald would be superfluous. Therefore a person of ordinary skill in the art would not be motivated to combine the speech post processor of McDonald with the transmitter system of Huart as suggested by the Office Action.

Furthermore, even if combined, Huart and McDonald do not teach or suggest a packet combine unit configured to combine every packet that includes portions of the voice data of a clause unit into a single packet. Huart teaches packetizing is done by a source when sending voice information not when receiving voice information, (Col. 3, lines 5-20.) and McDonald teaches the speech post processor 62 is placed and operates in the receiver subsystem. (Col. 3, lines 51-63 and Fig. 2.) Thus, in order for combination of Huart and McDonald to result in the packet combine unit of the instant claims, the speech post processor of McDonald would be moved from receiver subsystem to the transmitter portion. However, the placing the speech post processor in the transmitter portion is counter to the purpose of the speech post processor in McDonald to correct for speech distortions caused by the channel, making the McDonald device inoperative for its intended design. Thus, even if combined, Huart and McDonald do not teach or suggest a packet combine unit configured to combine every packet generated based on voice data that includes portions of the voice data of a clause unit into a single packet.

Nor are the deficiencies of Huart and McDonald cured by Tucker. Tucker merely discusses a speech detector capable of recognizing pauses. (Abstract) Tucker does not teach or suggest a packet combine unit configured to combine every packet generated based on voice data that includes portions of the voice data of a clause into a single packet. Thus, for at least the foregoing reasons the instant claims 40 and 54 define over the cited art.

Claims 41-47, 49-53 and 55 and 57-67 depend from claims 40 and 50, respectively, and therefore also define patentable subject matter.

Claims 48 and 56 also depend from claims 40 and 54, respectively, and the deficiencies of Huart, McDonald and Tucker discussed above are not cured by Cox. Cox merely discusses retransmission of a missing or corrupted packet when a speech recognizer is unable to perform speech recognition on received packets. (Abstract and Col. 1, lines 57-col. 2, line 2.) Cox makes no mention of a combine unit configured to combine every packet generated based on voice data that includes portions of the voice data of a clause unit into a single packet. Thus, for at least the foregoing reasons, dependent claims 48 and 56 define over the cited art. Accordingly, Applicants respectfully request withdrawal of the instant rejections.

The New Claims Define Over the Cited Art

Claims 70 and 71 are new and further define over the cited art. Support for the new claims may be found, at least, at page 1, lines 6-10 and Figs. 1-3 of the instant specification. The cited art does not teach or suggest a packet combine unit having inputs from outputs of the communication terminal and the voice recognizer unit and transmits over a communication path that is a quality of services (QoS) non-guaranteed network or the internet, much less a packet combine unit having inputs from an output of the communication terminal and an out put of the voice recognizer unit, said packet combine unit configured to combine, for each of the clause units, every packet of said packets that includes portions of the voice data for the clause unit into a corresponding single packet, said packet combine unit configured to transmit, for each of the clause units, the corresponding single packet over a communication path, wherein the communication path is a quality of services (QoS) non-guaranteed network. Thus, for at least the foregoing reasons, claims 70 and 71 define over the cited art. Accordingly, Applicants respectfully request allowance of the instant claims.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _December 15, 2008_   By _____

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